



LVZA 2009-0003 Inoperable Vehicles
Zoning Ordinance Amendment

STAFF REPORT

Planning Commission Public Hearing

April 22, 2009

**7:30 PM at the Lovettsville Town Office, 6 E. Pennsylvania Avenue
Lovettsville, Virginia**

APPLICANT: Town of Lovettsville.

PURPOSE: To amend the Zoning Ordinance to clarify and simplify the regulations controlling inoperable vehicles and to modify them to apply on all land in the Town instead of only on certain land with certain zoning and to protect adjacent neighbors as well as people driving on public or private streets.

BACKGROUND: On December 18, 2008 the Town Council authorized a zoning ordinance amendment by the Town to amend Section 4-12 Storage of Dismantled and Inoperable Vehicles because the Zoning Administrator indicated that there is a contradiction in the regulation and that the regulation should apply to all property in the Town, not just residential districts.

DISCUSSION: The current regulation states that inoperable vehicles are not permitted to be seen from public or private streets *and* must be enclosed in a building. This is contradictory because such a vehicle can be kept out of sight from streets and not be enclosed in a building. Such a vehicle can be place behind a building and screened from view from streets.

The intent of the regulation should be reevaluated. Aside from the contradiction there are two other issues that should be addressed: 1) that inoperable vehicles pose the same visual nuisance if they are on property zoned under non-residential districts (commercial or light industrial) as they do on land zoned under residential districts; and 2) that there should be some time allowance for inoperable vehicles to be visible because of the personal circumstances of owners, who may not be able to comply with the regulation for a limited amount of time.

I believe that the inoperable vehicle regulation should apply to all property in the Town as almost all property is visible either from streets or adjacent property. I believe that neighbors should not have to view inoperable vehicles just as people driving or walking along streets should not have to view them.

April 3, 2009

To clear up the contradiction about where inoperable vehicles should be kept on property the regulation should make it clear that such a vehicle should be either kept out of sight or enclosed in a building, not both. Another option is to allow such vehicles to be screened by opaque fencing or walls and not required to be enclosed in buildings. This would help keep them from view for adjacent neighbors as well as from streets. This will help improve the living environment in residential areas, many of which are adjacent to commercial and light industrial property.

The current regulation of inoperable and dismantled vehicles only applies to land zoned under residential districts and allows one such vehicle on lots greater than five acres. In one instance there is a residential use on a parcel zoned for commercial use and there is an inoperable vehicle that cannot be cited for violation because the regulation is limited to residentially zoned property. In another instance, there is an inoperative vehicle on a residential parcel larger than five acres that is clearly visible to people who do not live on the property. I think the regulations for such vehicles should be applied to all property in the Town.

The revised definition of "light vehicle repair" use permits inoperable vehicles to be visible for up to two weeks. The proposed revised regulation would not supersede this restriction. The current regulation of inoperative and dismantled vehicles, Section 4-12, provides an exception to the rule for inoperable or dismantled if they are housed on junk yards. Junk yards have been removed from any zoning district in the ordinance; therefore, such use should be removed from the Section 4-12 regulation.

PLANNING COMMISSION DIRECTIVE: The Planning Commission has reviewed the issues related to this subject, as directed by the Council, and recommended the text in the following section be brought to public hearing.

RECOMMENDATION:

The following zoning ordinance text amendments are proposed to clarify, update and expand the regulation of inoperable vehicles. It permits and requires that such vehicles be located behind opaque fences or wall and buildings but does not require them to be located inside buildings. Nor does it limit the visibility restriction to visibility from streets. It restricts visibility to adjacent property as well. The revised text also applies the regulation to all property in the Town so that such vehicles are not visible from commercial or light industrial property, which will help create a better residential living environment in the town.

MODIFY: Section 4-12 STORAGE OF DISMANTLED OR INOPERABLE VEHICLES to read:

"4-12 INOPERABLE VEHICLES ~~No dismantled or inoperable vehicle shall be parked or stored outdoors for more than one (1) week on a lot of less than five (5) acres in area in any residential district. Not more than one (1) dismantled or inoperable vehicle at a time may be parked outdoors on any lot greater than five (5) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by~~

~~Virginia law shall be construed as an inoperable vehicle. Dismantled or inoperable vehicles may be kept on a lot or tract in any zoning district provided they are kept within enclosed building or within the confines of a licensed junk yard. No inoperable vehicle shall be so located on any lot in any residential district as to be visible from a Class I or II road on any privately owned property in the Town unless it is enclosed in a building or enclosed on four sides by opaque outdoor fencing or walls that are at least six feet in height for passenger cars in residential districts or eight feet in height for vehicles over 3.5 tons in commercial or industrial districts. An inoperable vehicle may be parked in view from any adjacent property or street for a period of time not exceeding thirty (30) days only if it is covered by a fitted vehicle cover, except as stated in the definition of light vehicle repair use."~~

MODIFY: Page 13-6, Section 13-2 DEFINITIONS, INOPERATIVE VEHICLE to read:

~~INOPERATIVE VEHICLE~~ INOPERABLE VEHICLE: Any vehicle which does not display the following: (1) valid state license plate(s); (2) valid inspection certificate (if required) for the state in which the vehicle is licensed; and (3) a valid Town decal or other device, as required by Town ordinance. However, farm vehicles and other vehicles which are exempted from the requirements of displaying Virginia license plates, under the provisions of Articles 4, 5 and 6 of Chapter 6 of Title 46.2 of the Code of Virginia, 1950, as amended, are not included in this definition.

DRAFT MOTION:

"I move that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment as presented in item LVZA 2009-0003 Inoperable Vehicles"